

RESPONSE TO RESTRICTION REQUIREMENT  
U.S. Appln. No. 10/557,747 (Q91609)

REMARKS

On page 2 of the Office Action, the Examiner issues a restriction requirement to one of the inventions of the following groups:

- Group I - Claims 1, 2 and 4, drawn to a composition containing olanexidine and polyoxyethylene higher alkyl ethers;
- Group II - Claims 1, 3 and 4, drawn to a composition containing olanexidine and polyoxyethylene alkylphenyl ethers;
- Group III - Claims 5-7, drawn to a composition containing olanexidine, polyoxyethylene higher alkyl ethers and an alcohol;
- Group IV - Claims 5-7, drawn to a composition containing olanexidine, polyoxyethylene alkylphenyl ethers and an alcohol;
- Group V - Claims 8, drawn to a composition containing olanexidine, polyoxyethylene higher alkyl ethers and triglycerides;
- Group VI - Claim 8, drawn to a composition containing olanexidine, polyoxyethylene phenylalkyl ethers and triglycerides;
- Group VII - Claims 9-10, drawn to a composition containing olanexidine and an alcohol;
- Group VIII - Claims 11-16 and 18-19, drawn to a composition containing olanexidine and an ester-based non-ionic surfactant;

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- Group IX - Claims 11, 17 and 20-21, drawn to a composition containing olanexidine and a cyclic oligosaccharide;
- Group X - Claims 22-23, drawn to a composition containing olanexidine, an ester-based non-ionic surfactant and an alcohol;
- Group XI - Claims 22-23, drawn to a composition containing olanexidine, a cyclic oligosaccharide and an alcohol; and
- Group XII - Claims 24-25, drawn to a method using a composition containing olanexidine.

Specifically, the Examiner contends that the restriction is proper because the inventions do not relate to a single general inventive concept which is patentable over the prior art, i.e., Umehara et al.

Accordingly, Applicants hereby elect the invention of Group I, i.e., Claims 1, 2 and 4, with traverse.

Umehara et al merely discloses the metabolism and disposition of oxanexidine. Umehara et al does not teach or suggest a preparation containing oxanexidine and an excipient, such as polyoxyethylene higher alkyl ethers, polyoxyethylene alkylphenyl ethers, alcohols, ester-based nonionic surfactants or cyclic oligosaccharides. Thus, the present claims are patentable over Umehara et al, and hence the Examiner should withdraw the restriction requirement.

Applicants note, the Examiner states that if Applicants elect claims directed to a product, and such are found to be allowable, withdrawn process claims which are dependent on an

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allowable product claim (or include all of the limitations therein), will be rejoined upon request. Thus, Applicants request rejoinder of method Claim 24.

The Examiner is invited to contact the undersigned at the below-listed number on any questions which might arise.

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Respectfully submitted,

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